

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

This Document Relates to:

1:14-cv-12421-RWZ: Baker v. Insight, et al.	) MDL No. 1:13-md-2419-RWZ
1:14-cv-12905-RWZ: Epperly v. Insight, et al.	)
1:14-cv-12908-RWZ: McFarlane v. Insight, et al.	)
1:14-cv-12910-RWZ: Smith v. Insight, et al.	)
1:14-cv-12916-RWZ: Kalinoski v. Insight, et al.	)
1:14-cv-12917-RWZ: Filson v. Insight, et al.	)
1:14-cv-12919-RWZ: Bradley v. Insight, et al.	)
1:14-cv-12924-RWZ: Foutz v. Insight, et al.	)
1:14-cv-12927-RWZ: Whitlow v. Insight, et al.	)
1:14-cv-12928-RWZ: Harris v. Insight, et al.	)
1:14-cv-12929-RWZ: Smith v. Insight, et al.	)
1:14-cv-12930-RWZ: Holbrook v. Insight, et al.	)
1:14-cv-12931-RWZ: Courtney v. Insight, et al.	)
1:14-cv-12933-RWZ: Wertz v. Insight, et al.	)
1:14-cv-12937-RWZ: Johnston v. Insight, et al.	)
1:14-cv-12938-RWZ: Brown v. Insight, et al.	)
1:14-cv-12939-RWZ: Shuck v. Insight, et al.	)
1:14-cv-12940-RWZ: White v. Insight, et al.	)
1:14-cv-12942-RWZ: Artis v. Insight, et al.	)
1:14-cv-13504-RWZ: Austin, et al. v. Insight, et al.	)
1:14-cv-13505-RWZ: Agnew, et al. v. Insight, et al.	)
1:14-cv-13511-RWZ: Bell, et al. v. Insight, et al.	)
1:14-cv-13578-RWZ: Vineyard v. Insight, et al.	)
1:14-cv-13580-RWZ: Boggs v. Insight, et al.	)
1:14-cv-13583-RWZ: Brown v. Insight, et al.	)
1:14-cv-13584-RWZ: Linthicum v. Insight, et al.	)
1:14-cv-13586-RWZ: Morris v. Insight, et al.	)
1:14-cv-13587-RWZ: Stoots v. Insight, et al.	)
1:14-cv-13589-RWZ: Taliaferro v. Insight, et al.	)
1:14-cv-13831-RWZ: Mitchell v. Insight, et al.	)
1:14-cv-13975-RWZ: Carr v. Insight, et al.	)
1:14-cv-14525-RWZ: Lester v. Insight, et al.	)
1:14-cv-14538-RWZ: Clemons v. Insight, et al.	)
1:14-cv-14552-RWZ : Fidler, et al. v. Insight, et al.	)
1:14-cv-14698-RWZ: Proffitt v. Insight, et al.	)

1:14-cv-14700-RWZ : Walker v. Insight, et al. )  
1:14-cv-14702-RWZ : Huff v. Insight, et al. )  
1:14-cv-14705-RWZ : Cuddy-Taylor v. Insight, et al. )  
\_\_\_\_\_)

**CONSENT DISMISSAL ORDER**

THIS DAY CAME the Virginia Plaintiffs in the actions listed above and identified by name in Exhibit A hereto, (hereinafter “Virginia Plaintiffs”), by counsel, and Defendants Insight Health Corp., Insight Health Services Corp., Insight Health Services Holdings (collectively “Insight”), by counsel, and Defendants Image Guided Pain Management, P.C., John M. Mathis, M.D., and Robert F. O’Brien, M.D., by counsel, (collectively with Insight, the “Virginia Defendants”), and jointly requested this Court to enter an order dismissing all of the above-listed cases, including all cross-claims and third-party claims (“the Virginia Actions”).

Based upon the agreement of the parties, the Court finds as follows:

A. The 145 Virginia Plaintiffs identified in Exhibit A have agreed to dismiss their respective claims and the 38 separate actions also listed on Exhibit A with prejudice;

B. The Virginia Defendants filed cross-claims against each other in some of the Virginia Actions, and have agreed to dismiss their respective cross-claims with prejudice;

C. Insight filed and now desires to dismiss without prejudice all of its third-party claims, which were filed against Third-Party Defendants Ameridose, LLC, GDC Properties Management, Inc., Medical Sales Management, Inc., ARL Bio Pharma, Inc. d/b/a Analytical Research Laboratories, Barry J. Cadden, Lisa M. Conigliaro Cadden, Gregory A. Conigliaro, Douglas A. Conigliaro, Carla Conigliaro, Glen Chin, Linda Pino, Mark Zachem, Michael T. Thurston, Andrew Howden, and Chad Trudeau;

D. This order is not intended to, nor shall it, affect this Court's jurisdiction as contemplated in the Tort Trust Agreement and the Trustee's motion for a partial withdrawal of reference.

E. It is proper to dismiss all such claims under Rule 41 (a).

IT IS, THEREFORE, ADJUDGED, ORDERED and DECREED that:

1. The Virginia Plaintiffs' claims and the Virginia Actions, as listed in Exhibit A, are dismissed with prejudice; the Virginia Defendants' cross-claims in the Virginia Actions are dismissed with prejudice; and, Insight's third-party claims in the Virginia Actions are dismissed without prejudice;

2. Insight shall e-file a copy of this order in each of the 38 separate cases listed in Exhibit A within seven (7) days of the date hereof; and,

3. All parties to the Virginia Actions shall bear their respective costs incurred.

ENTERED this 14<sup>th</sup> day of July 2015.

  
\_\_\_\_\_  
U.S. District Court Judge

WE ASK FOR THIS:

By: /s/ J. Scott Sexton  
J. Scott Sexton (*pro hac vice*)  
Gentry Locke Rakes & Moore  
PO BOX 40013  
ROANOKE, VA 24022-0013  
T: (540) 983-9379  
F: (540) 983-9468  
sexton@gentrylocke.com

*Counsel for Plaintiffs*

By: /s/ T. Daniel Frith III  
T. Daniel Frith III, Esq.  
Lauren M. Ellerman, Esq.  
Frith & Ellerman Law Firm, PC  
Post Office Box 8248  
Roanoke, Virginia 24014  
T: (540) 985-0098  
lellerman@frithlawfirm.com

*Counsel for Plaintiffs*

By: /s/ H. Keith Moore  
H. Keith Moore, Esq.  
Cranwell & Moore, PLC  
P.O. Box 11804  
Roanoke, VA 24022-1804  
T: (540) 342-1000  
F: (540) 344-7073  
keith@cranwellmoorelaw.com

*Counsel for Plaintiffs*

By: /s/ John E. Lichtenstein  
John E. Lichtenstein, Esq.  
LichtensteinFishwick, PLC  
101 South Jefferson Street, Suite 400 (24011)  
P.O. Box 601  
Roanoke, Virginia 24004-060111  
T: (540) 343-9711  
F: (540) 343-9713  
jel@vatrials.com

*Counsel for Plaintiffs*

By: /s/ Jeffrey A. Travers  
Jeffrey A. Travers, Esq.  
Peter A. Miller, Esq.  
Michael J. Miller, Esq.  
The Sherman Building  
The Miller Firm, LLC  
108 Railroad Avenue  
Orange, VA 22960  
T: (540) 672-4224  
F: (540) 672-3055  
jtravers@millerfirmllc.com  
mmiller@millerfirmllc.com

*Counsel for Plaintiffs*

By: /s/ P. Brent Brown  
P. Brent Brown, Esq.  
Brown & Jennings, PLC  
30 Franklin Road, Suite 700  
Roanoke, Virginia 24011  
T: (540) 444-4010  
F: (540) 444-4011  
brent@brownjenningslaw.com

*Counsel for Plaintiffs*

By: /s/ Patrick T. Fennell  
Patrick T. Fennell, Esq. (*pro hac vice*)  
Crandall & Katt  
366 Elm Avenue, S.W.  
Roanoke, Virginia 24016  
T: (540) 342-2000  
F: (540) 556-0469  
pfennell@crandalllaw.com

*Counsel for Plaintiff*

By: /s/ Jennifer K. M. Crawford  
Russell W. Updike, Esq.  
Nolan R. Nicely, Jr., Esq.  
Jennifer K. M. Crawford, Esq.  
WILSON, UPDIKE & NICELY  
228 North Maple Avenue  
P.O. Drawer 590  
Covington, Virginia 24426  
Covington, VA 24426  
T: (540) 962-4968  
F: (540) 962-8423  
j.crawford@wunlawfirm.com

*Counsel for Plaintiffs*

By: /s/ Samantha K. Sledd

Robert T. Hall, Esq.  
Samantha K. Sledd, Esq.  
Hall & Sethi, PLC  
12120 Sunset Hills Road  
Suite 150  
Reston, VA 20190  
T: (703) 925-9500  
F: (703) 925-9166  
rthall@hallandsethi.com  
sksledd@hallandsethi.com

*Counsel for Plaintiff*

By: /s/ Leo J.M. Boyd

Stephen D. Busch, Esq. (*pro hac vice*)  
James F. Neale (*pro hac vice*)  
Christopher E. Tribble, Esq. (*pro hac vice*)  
Leo J.M. Boyd, Esq. (*pro hac vice*)  
MCGUIREWOODS LLP  
Gateway Plaza  
800 East Canal Street  
Richmond, Virginia 23219-3916  
T: (804) 775-1000  
F: (804) 775-1061  
sbusch@mcguirewoods.com  
jneale@mcguirewoods.com  
ctribble@mcguirewoods.com  
lboyd@mcguirewoods.com

*Counsel for Insight Health Corp.,  
Insight Health Services Corp., and  
Insight Health Services Holdings*

By: /s/ John T. Jessee

John T. Jessee, Esq.  
Nancy Reynolds, Esq.  
LeClairRyan, PC  
1800 Wells Fargo Tower, Drawer 1200  
Roanoke, Virginia 24006  
T: (540) 510-3018  
F: (540) 510-3050  
John.jessee@leclairryan.com

*Counsel for Defendants Robert  
O'Brien, MD, John M. Mathis, MD,  
and Image Guided Pain Management  
PC*

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**EXHIBIT A TO CONSENT DISMISSAL ORDER**

1. Sandra F. Artis v. Insight Health Corp., et al., et al. (1:14-cv-12942-RWZ)
2. Dana Marlene Bradley v. Insight Health Corp., et al. (1:14-cv-12919-RWZ)
3. Ronnie A. Brown v. Insight Health Corp., et al. (1:14-cv-12938-RWZ)
4. Ronald T. Courtney v. Insight Health Corp., et al. (1:14-cv-12931-RWZ)
5. Trudy R. Epperly v. Insight Health Corp., et al. (1:14-cv-12905-RWZ)
6. Barbara J. Filson v. Insight Health Corp., et al. (1:14-cv-12917-RWZ)
7. Zachary Foutz v. Insight Health Corp., et al. (1:14-cv-12924-RWZ)
8. Robert Earl Harris, Jr. v. Insight Health Corp., et al. (1:14-cv-12928-RWZ)
9. Julian D. Holbrook v. Insight Health Corp., et al. (1:14-cv-12930-RWZ)
10. Chester T. Kalinoski v. Insight Health Corp., et al. (1:14-cv-12916-RWZ)
11. Pauline R. McFarlane v. Insight Health Corp., et al. (1:14-cv-12908-RWZ)
12. Odessa M. Shuck v. Insight Health Corp., et al. (1:14-cv-12939-RWZ)
13. James Wirt Smith, Jr. v. Insight Health Corp., et al. (1:14-cv-12910-RWZ)
14. Randolph E. Smith v. Insight Health Corp., et al. (1:14-cv-12929-RWZ)
15. Rose M. White v. Insight Health Corp., et al. (1:14-cv-12940-RWZ)
16. Richard A. Whitlow v. Insight Health Corp., et al. (1:14-cv-12927-RWZ)
17. Chance Everett Baker v. Insight Health Corp., et al. (1:14-cv-12421-RWZ)
18. Patrick O. Johnston v. Insight Health Corp., et al. (1:14-cv-12937-RWZ)
19. Ferman W. Wertz v. Insight Health Corp., et al. (1:14-cv-12933-RWZ)
20. Nora Bell, et al. v. Insight Health Corp., et al. (1:14-cv-13511-RWZ)  
Nora Bell  
Alma Eden  
Thomas Goodwin  
Jimmy Green  
Patricia Jennings



Susan Kincanon  
Ashlee Lakin  
Virginia Milne  
Lori Morris  
Deborah Rogers  
David Rose  
Joseph Smith  
Vicki Uthus  
Regina Waddell  
Doris West  
Judith Williams

21. Gladys G. Austin, et al. v. Insight Health Corp., et al. (1:14-cv-13504-RWZ)

Gladys G. Austin  
Richard Blankenship  
Cheryl Brogan  
Kimberly Chitwood  
Christopher Compton  
Shirley Doyle  
Renate Fariss  
Nancy Goodfellow  
Norma Hurley  
Mabel Hutcherson  
Arnold Moon  
Rosanne Moon  
Sharon Overstreet  
Mary Radford  
Audrey Ransome  
Nosworthy Reid  
Larry Hall  
Frank Haranzo, Jr.  
Susanne Hastings  
Jacob Helm  
Stuart Katz  
Melissa Marshall  
John Marsinko  
Jane McKeon  
Angela Norman  
Larry Rice  
Deanna Smith  
Stevie Thomas  
Brenda Varley  
Christine Wheeler

22. Lisa A. Agnew, et al. v. Insight Health Corp., et al. (1:14-cv-13505-RWZ)  
Lisa A. Agnew



Hilda C. Allen  
David A. Barley, Jr.  
Virginia L. Berger  
Viola M. Bowling  
Anna D. Boyd  
Brenda G. Brewster  
Vonda K. Broom  
Ann D. Brown  
Sybil A. Brown  
Wilma T. Brumfield  
Marvin J. Clark  
Robert E. Clark  
Michael D. Clemons  
Rebecca T. Clodfelter  
Carol S. Collins  
John D. Collins, Sr.  
Edward L. Conner  
Oscar J. Craggett  
Donald G. Crawford, Sr.  
Harry M. English  
Eduardo S. Figueredo  
Girard S. Forry  
Christy A. Fralin  
Amanda J. Galarneau  
Atlas L. Gaskins  
Kenneth E. Hall  
Robin A. Hannabass  
Anthony J. Jarrett  
Denise B. Jones  
Bobby Steven Lugar  
James W. Matthews  
Virginia C Miller  
Gregory L. Muse  
Danny K. Nicely  
John D. Nicely  
Sharon G. Nipper  
Charles P. Perdue, Sr.  
Nancy F. Phillips  
Michelle H. Powell  
Vicki G. Scott  
Christopher L. Sherrill  
James S. Shrewsbury  
Lloyd Smith  
Jackie L. Stevens  
David G. Stover  
Johnny Taylor, Sr.

Daniel A. Turner  
David G. Underwood  
Luz E. Velez  
Donna M. West  
Barbara D. Whittaker  
Cheryl D. Williams  
Darlene Wood  
Beverly B. Woody

23. Patricia Mitchell v. Insight Health Corp., et al. (1:14-cv-13831-RWZ)
24. Theron L. Lester v. Insight Health Corp., et al. (1:14-cv-14525-RWZ)
25. Carolyn D. Fidler, et al. v. Insight Health Corp., et al. (1:14-cv-14552-RWZ)  
Carolyn D. Fidler  
Curtis Lynn Shell  
Brian Glenn Caddell  
Richard Wayne Henegar  
Lynda Bradfield  
Elizabeth P. Kirkpatrick  
Kathy N. Cole  
Dana M. King  
Donny L. Jones  
Susan Thurlow
26. Jean Ellen Clemons v. Insight Health Corp., et al. (1:14-cv-14538-RWZ)
27. Linda Boggs v. Insight Health Corp., et al. (1:14-cv-13580-RWZ)
28. Kimberly Brown v. Insight Health Corp., et al. (1:14-cv-13583-RWZ)
29. Forrest Linthicum v. Insight Health Corp., et al. (1:14-cv-13584-RWZ)
30. Treva Morris v. Insight Health Corp., et al. (1:14-cv-13586-RWZ)
31. Allison Stoots v. Insight Health Corp., et al. (1:14-cv-13587-RWZ)
32. Denia Taliaferro v. Insight Health Corp., et al. (1:14-cv-13589-RWZ)
33. Carolyn Mae Carr v. Insight Health Corp., et al. (1:14-cv-13975-RWZ)
34. Martha Vineyard v. Insight Health Corp., et al. (1:14-cv-13578-RWZ)
35. Toni Huff v. Insight Health Corp., et al. (1:14-cv-14702-RWZ)
36. Amanda Cuddy v. Insight Health Corp., et al. (1:14-cv-14705-RWZ)

37. Basil E. Proffitt v. Insight Health Corp., et al. (1:14-cv-14698-RWZ)
38. Mary Walker v. Insight Health Corp., et al. (1:14-cv-14700-RWZ)

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